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Item 7 of the provisional agenda*
Organization of work, adoption of the agenda and allocation of items: reports of the General Committee

Note verbale dated 13 September 2010 from the Permanent Mission of Iraq to the United Nations addressed to the President of the General Assembly

The Permanent Mission of the Republic of Iraq to the United Nations presents its compliments to the President elect of the sixty-fifth session of the General Assembly and has the honour to attach herewith a letter dated 11 September 2010 addressed to you from Mr. Hoshyar Zebari, Minister for Foreign Affairs of the Republic of Iraq (see annex), regarding the letter dated 29 July 2010 from the Permanent Representative of the Libyan Arab Jamahiriya addressed to the Secretary-General.

The Permanent Mission of Iraq also has the honour to request that the present letter and its annex be circulated as a document of the General Assembly.

* A/65/150.

10-53181 (E) 140910

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Annex to the note verbale dated 13 September 2010 from the Permanent Mission of Iraq to the United Nations addressed to the President of the General Assembly

Letter dated 11 September 2010 from the Minister for Foreign Affairs of the Republic of Iraq addressed to the President of the General Assembly

I would like to refer to the letter dated 29 July 2010 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General, which requested an "Investigation into the invasion of Iraq" (A/65/195). Before I mention the dangers of the Libyan request, I find it necessary to bring to your attention the fact that all the arrangements for the political and constitutional processes in Iraq were achieved by the efforts of all political and social forces of the Iraqi people, in accordance with the relevant Security Council resolutions. I am confident that you are aware of the political developments in Iraq; the Special Representative of the Secretary-General and the United Nations Assistance Mission for Iraq (UNAMI) have been working closely with all of the political powers that represent the Iraqi people. It is on that basis that we consider the Libyan request to be a violation of the Security Council resolutions, and also in contradiction of the resolutions of the Organization of the Islamic Conference and the League of Arab States, which support the political process in Iraq.

The Libyan Arab Jamahiriya was supposed to consult with Iraq before it submitted its request, especially given the fact that the two countries participate jointly in many groups, at the forefront of which are the League of Arab States and the Organization of the Islamic Conference, and work together in the five-member committee of the Arab League to consider developing mechanisms for joint Arab work. We were therefore shocked by the Libyan request. It was possible for Iraq and the Libyan Arab Jamahiriya to discuss this issue together to reach a positive result that would serve both brotherly nations before the submission of the request. The Libyan request will encourage external interference in the internal affairs of Iraq, obstruct the efforts of national reconciliation and give a pretext to continue the violence and return to sectarian fighting.

In addition to all of the above, the Libyan request ignores the viewpoints of the Iraqi people who suffered under Saddam's regime. The request ignores Saddam's mass graves, his usage of chemical weapons against the Iraqi people, and the suffering endured as a result of the wars he launched against his people and Iraq's neighbours, it ignores the fact of his disastrous dictatorship and totalitarian rule, his tearing apart of the solidarity of Arab and Islamic nations and his putting the stability of the region into continuous danger. The Iraqi people are paying the price for the mistakes and crimes of the former regime up to the present date.

We consider what was mentioned in the Libyan note verbale to be unacceptable interference in the internal affairs of an established member of the United Nations, in particular the illegitimate criticism of the Iraqi judicial system. Moreover, the motives behind the Libyan move are political and have nothing to do with international law or defending human rights; its purpose is to abort the political process in Iraq. The acceptance of the Libyan request contradicts international law and threatens Iraq's security and stability, which affect the security and stability of

the region as a whole. We therefore hope that you consider these risks and refuse to look into the Libyan request for the above reasons.

(*Signed*) Hoshyar **Zebari**
Minister for Foreign Affairs

Baghdad, 11 September 2010

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Sixty-fifth session
Item 69 (c) of the provisional agenda*
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Situation of human rights in the Democratic People's Republic of Korea

Note by the Secretary-General

The Secretary-General has the honour to submit to the members of the General Assembly the report on the situation of human rights in the Democratic People's Republic of Korea submitted by the Special Rapporteur on the situation of human rights, Marzuki Darusman, in accordance with Commission on Human Rights resolution 2004/13.

The Special Rapporteur officially assumed responsibility for the mandate on 1 August 2010. The Special Rapporteur has since notified the Secretariat that, owing to his late appointment, he would not be in a position to present a substantial report and meet the deadline of 6 August 2010 for submission of the report.

* A/65/150.

10-53212 (E) 300910

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I. Introduction

1. The present report is submitted pursuant to paragraph 6 of General Assembly resolution 64/175. The mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea was established by the Commission on Human Rights in its resolution 2004/13. The mandate has been regularly extended by the Human Rights Council, most recently in its resolution 13/14, whereby it was extended for another year. The Democratic People's Republic of Korea has not from the start recognized the mandate of the Special Rapporteur.

II. Background

2. In June 2010, the President of the Human Rights Council appointed me as the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea. I officially assumed responsibility for the mandate on 1 August 2010, taking over from my distinguished predecessor, Vitit Muntarbhorn. It is therefore my first opportunity to interact with the General Assembly. Given the time constraints since my appointment, it has not been possible for me to conduct any visits or engage with relevant stakeholders. Hence, the present report primarily focuses on the broad methodology that I propose to adopt while discharging the functions of the mandate. I will supplement the report with an oral statement at the sixty-fifth session of the General Assembly, in October 2010.

3. I view the current transition as a fresh opportunity to commence a renewed period of engagement and cooperation with the Democratic People's Republic of Korea on the promotion and protection of human rights.

4. At this early stage of my mandate, I will abstain from reaching any conclusions or judgements and will concentrate on acquiring information and listening to various relevant actors. Cooperation rather than confrontation will be the basis of all my engagements.

III. Proposed approach to the mandate

5. In March 2011, I will submit my first report to the Human Rights Council at its sixteenth regular session. I hope to be able to provide some preliminary results based on a cooperative approach. That approach entails first identifying an entry point or issue and then developing and building upon it, however insignificant it may be seen at the beginning. The approach could start with a humanitarian direction, without in any way diminishing the human rights dimension.

6. During my mandate, apart from endeavouring to engage with the Government of the Democratic People's Republic of Korea, I will interact with other entities, such as civil society, the international community and the relevant bodies of the United Nations. I believe that such an approach is important in order to have balanced views on the various issues that prevail or might arise.

IV. Possible entry points for engagement with concerned stakeholders

7. In December 2009, the Democratic People's Republic of Korea was reviewed at the universal periodic review process, and its engagement in this international process of scrutiny was very welcome. Apart from the various reports that were submitted during the process, the report of the Working Group on the Universal Periodic Review contains a number of conclusions and recommendations. Some of them have often been mentioned by other human rights mechanisms as well, such as the treaty bodies.

8. I am fully aware of the important work that United Nations entities have been performing over the years in the Democratic People's Republic of Korea. These include providing support, including technical assistance, to the Government in different fields, such as health, food, water and sanitation. In recent months, a number of surveys have been conducted by the Government with the support of the United Nations. These contain very helpful and key findings. All these initiatives allow broader understanding of the lives of the people of the Democratic People's Republic of Korea.

9. Furthermore, while taking into consideration the work done over the years by my predecessor, Vitit Muntarbhorn, I will be making an independent assessment of the situation.

V. Conclusion

10. I wish to again emphasize the approach of constructive dialogue with the Government of the Democratic People's Republic of Korea, the international community and civil society. On the conduct of the mandate, I look forward to the challenging responsibility of this mandate and to positive outcomes in the field of human rights in the Democratic People's Republic of Korea.